IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6213 of 2007()

CMP.8178/2007 of J.M.F.C.-I,NEDUMANGAD
CR.NO.97/07 OF ARYANAD EXCISE RANGE.

.....

PETITIONER/2ND ACCUSED:

JUSTIN RAJ @ JOY, S/O. LORENCE,
THEKKUMKARA VEEDU, UZHAMALAKKAL VILLAGE,
NEDUMANGAD TALUK.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6213 of 2007

Dated this the 16th day of October, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. He faces allegations along with the co-accused for offences punishable under the Kerala Abkari Act. They were together found to transport 105 litres of arrack on 25/8/07 in an autorikshaw. The 1st accused was arrested on the spot; whereas the petitioner took to his heels and could not be arrested. The petitioner was later arrested and continues in custody from 8/9/07. The learned Public Prosecutor submits that there is no history of any criminal antecedents against the petitioner.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the Investigator is granted reasonable further time to complete the investigation and I am satisfied that the petitioner can now be directed to be enlarged on bail subject

to appropriate terms and conditions.

3. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 22/10/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

Nan/